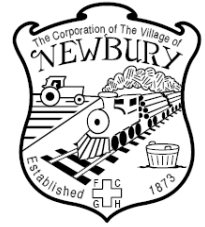


THE CORPORATION OF THE VILLAGE OF NEWBURY



BY-LAW NO. 123-16

BEING A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION AND CHANGE OF USE PERMITS AND INSPECTIONS FOR THE CORPORATION OF THE VILLAGE OF NEWBURY.

WHEREAS Section 3 (1) of the Building Code Act, 1992, S.O. 1992, chapter 23, as amended empowers Council to be responsible for the enforcement of the Act in the municipality, excepted where otherwise provide by this Act, 2002;

AND WHEREAS By-Law # 122-16 appoints a chief Building Official (CBO) for the Village of Newbury as per Section 3 (2) of the Building Code Act, 1992, S/O/ 1992, Chapter 23, as amended.

AND WHEREAS Section 7 of the Building Code Act, 1992, S.O. 1992, Chapter 23, as amended, empowers Council to pass certain by-laws respecting construction, demolition and change of use permits and inspections.

NOW THEREFORE THE CORPORATION OF THE VILLAGE OF NEWBURY ENACTS AS FOLLOWS:

1.0 SHORT TITLE

This By-law may be cited as the “Building By-law”.

2.0 DEFINITIONS

In this by-law,

“Act” means the Building Code Act, 1992, S.O. 1992, chapter 23 as amended

“as constructed plans” means as constructed plans as defined in the Building Code.

“architect” means a holder of a license, a certificate of practice, or a temporary license under the Architect’s Act as defined in the Building Code Act.

“building” means a building as defined in the Building Code Act 1.(1).

“Building Code” means the regulations made under Section 34.(1) of the Building Code Act.

“Chief Building Official” means the Chief Building Official (CBO) appointed by the by-law to the Corporation of the Village of Newbury for the purposes of enforcement of the “Act and also referred to as the “CBO” in the by-law

“Corporation” means the Corporation of the Village of Newbury

“farm building” means a farm building as defined in the Building Code Act.

“permit means written permission or written authorization from the Chief Building Official to perform work regulated by this by-law and the Act, or to change the use of a building or part of a building or parts thereof as regulated by the Act.

“Professional Engineer” means a person who holds a license or a temporary license under the Professional Engineer’s Act, as defined in the Building Code Act.

3.0 PERMITS

3.1 Classes of Permits

3.1.1 Classes of permits with respect to the construction, demolition and change of use of buildings in Schedule ‘A’ and permit fees shall be as set out in Schedule ‘B’ to this by-law

3.1.2 Permits for work other than that referred to in this by-law, such as road cuts, etc., shall be obtained from the appropriate authority having jurisdiction in accordance with the by-law of the municipality.

3.2 Administrative Procedures Relating to Permits

3.2.1 Revision to Permit

After the issuance of a permit under the Act, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued, must be given in writing, to the CBO together with the details of such change, which is not to be made without his or her written authorization.

3.2.2 Revocation of Permits

The CBO, subject to provisions outlined in Subsection 8(10) has the authority to revoke a permit issued under the Act.

3.3 Application for a Permit

3.3.1 Application

To obtain a permit, the owner and/or an agent authorized in writing by the owner shall file an application in writing by completing a prescribed form available at the offices of the municipality or from the Building Code website www.obc.mah.gov.on.ca.

3.3.2 Every application for a permit shall be submitted to the CBO, and contain the following information:

1. Where application is made for a **construction permit** under Subsection 8 (1) the Act, the application shall:

- (a) Use the provincial application form, “Application for a Permit to Construct or Demolish”; and
 - (b) Include complete plans and specifications, documents and other information as required by Div. C Part 1 1.3 .1.3 of the building code and as described in this by-law for the work to be covered by the permit including:
 - (i) Identify and describe in detail the work and occupancy to be covered by the permit for which application is made;
 - (ii) Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot;
 - (iii) State the valuation of the proposed work and be accompanied by the required fee;
 - (iv) State the names, addresses and telephone numbers of the owner, architect, engineer or other designer and contractor, and
2. Where application is made for a **demolition permit** under Subsection 8 (1) of “Application for a Permit to Construct or Demolish” and
3. Where application is made for a **conditional permit** under the subsection 8 (3) OF THE Act, the application shall:
- (a) Use the provincial application form “Application for a Permit to Construct or Demolish;
 - (b) Include complete plans and specifications, documents and other information as required by Div. C Part 1 1.3.1.3 of the Building Code and as described in this by-law for the work to be covered by the permit including:
 - (i) Identify and describe in detail the work and occupancy to be covered by the permit for which application is made;
 - (ii) Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot;
 - (iii) State the valuation of the proposed work and be accompanied by the required fee;
 - (iv) State the name, addresses and telephone numbers of the owner, architect, engineer or other designer and contractor, and
 - (c) State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted,
 - (d) State the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and
 - (e) State the time in which plans and specifications of the complete building will be filed with the CBO.

4. Partial Permit

- (a) When in order to expedite work, approval of a portion of the building is desired prior to the issuance of a permit for the whole project, application shall be made for the complete project and complete plans and specifications covering the portion of work for which immediate approval is desired shall be filed with the Municipality.
- (b) Should a permit be issued for part of a building, the holder of such permit may proceed without assurances that the permit for the entire building will be granted.
- (c) After issuance of the permit, application may be made for revision of the permit and such application shall be made in the same manner as for the original permit.

5. Occupancy Permit

- (a) An Occupancy Permit will be issued in accordance with Section 11 of the Building Code Act.
- (b) All conditions outlined in Section 5 “Site Plan” of this by-law must be completed.

3.3.3 An application for a permit shall be deemed to have been abandoned six (6) months after the date of the filing, unless such application has been proceeded with by the applicant.

3.4 Change of Use Permits

- 3.4.1 Every application for a change of use permit issued under subsection 10(1) of the Act shall be submitted to the CBO, and shall;
- (1) Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building.
 - (2) Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made,
 - (3) Include plans and specifications showing the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Building Code, including; floor plans; details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities, details of the existing “sewage system”, if any,
 - (4) Be accompanied by a required fee,

- (5) State the name, address and telephone number of the owner,
- (6) Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4.0 PLANS & SPECIFICATIONS

- 4.1 Sufficient information shall be submitted with each application for a permit to enable the CBO to determine whether or not the proposed construction, demolition or change of use will conform with the Act, the Building code and any other applicable law, and whether or not it may affect adjacent property.
- 4.2 Each application shall , unless otherwise specified by the CBO, be accompanied by two (2) complete sets of the plans and specifications required under this by-law.
- 4.3 Plans shall be drawn to scale on paper, or other durable material, shall be legible and, without limiting the generality of the foregoing, shall include such working drawings asset out in Schedule “D” to this by-law unless otherwise specified by the CBO.

5.0 SITE PLAN

- 5.1 Site Plans shall be referenced to an up-to-date survey and, when required to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of the survey shall be submitted to the CBO.
 - (1) Two (2) sets of a Site and Lot Grading Plan shall be submitted with the Building Permit Application for new residential, commercial and industrial buildings or structures.
 - (2) That the Site Plan shall show:
 - (a) The proposed location of the building or structure, with dimensions shown to all lot lines, and
 - (b) Dimensional location of any existing building(s) or structures(s) on the property.
 - (3) That the Lot Grading Plan will be prepared by a registered Engineer, Architect or Ontario Land Surveyor and will show the following details:
 - (a) Existing elevations at lot corners;
 - (b) Proposed elevations at lot corners and at each side of the proposed building or structure;
 - (c) Proposed elevations for top of footings and top of foundation walls;
 - (d) All drainage swales, embankments, retaining walls and catch basins;
 - (e) Existing elevation of curb and/or street along the frontage of the proposed building lot;
 - (f) Existing elevation of the lot corners on the abutting lots as well as the existing elevation of the finished grades around the structures located on these lots;
 - (g) An existing approved Subdivision Grading Plan will be accepted for the above list requirements.

- (3) A foundation survey prepared and sealed by an Ontario Land Surveyor will be submitted when requested to the CBO prior to commencement of framing. The survey will show:
 - (a) All yard dimensions from the foundation wall to the lot lines;
 - (b) The elevation of the top of the foundation wall.
 - (4) Prior to an Occupancy Permit being issued, a written certificate may be required and accompanied by a plan showing finished grades from a registered Engineer, Architect or Ontario Land Surveyor confirming the lot grading complies with the approved Grading Plan will be submitted to the CBO.
 - (5) Due to weather conditions, such as during the winter months, a temporary occupancy permit can be issued prior to final lot grading at the discretion of the CBO
- 5.2 In lieu of separate specifications, the Municipality may allow the essential information to be shown on the plans, but in no case shall such terms as “in accordance with this by-law”, “legal” or similar terms be used as substitutes for specific information.

6.0 FEES AND REFUNDS

- (1) The CBO shall determine the required fees for the proposed work which shall be calculated in accordance with Schedule “B” attached hereto and the applicant shall pay such fees prior to the issuance of the permit.
- (2) Any person or corporation who commences construction or changes the use of a building before a building permit has been issued, shall pay an additional fee equal to 100% of the amount calculated as regular permit fee, but in no case shall the additional fee exceed Two Thousand Dollars (\$2,000.00)
- (3) Refunds of permit fees shall be considered by the CBO and may only be refunded if requested prior to any construction or any other circumstance considered by the CBO to be reasonable. All approved building permit refunds by the CBO are to be charged an administration fee of \$100.

7.0 CHANGING OF PERMIT FEES

- 7.1 In accordance with Div. C 1.9.1.2 of the Building Code. A municipality, prior to the passing of a by-law to introduce or change a fee imposed for application for permits or for the issuance of permits shall:
- (a) Hold at least one (1) public meeting at which any person who attends has an opportunity to make representations with respect to the matter;
 - (b) Provide a minimum of twenty-one (21) days notice of the public meeting that is advertised in the local newspaper, placed on the Village of Newbury’s website and also given to every person and organization that has, within five (5) years before the day of the meeting, requested such a notice.
 - (c) Ensure that the notice includes an estimate of the costs for administering and enforcing the Act, the amount of the fee or any change to the existing fee and the rationale for imposing or changing the fee.

- (d) The Building Department is responsible for maintaining the list of persons or organizations requesting notice of amended permit fees.

8.0 **NOTICE OF REQUIRED INSPECTIONS**

- 8.1 Unless otherwise approved, notices required by the regulations shall be given to the CBO or an inspector at least 489 hours prior to the event.
- 8.2 Inspections shall be called for in accordance with Section 2.45 of the Building Code or Schedule “C” to this by-law.
- 8.3 With respect to “additional notices” under Div. C. 1.3.5.1 of the Building Code, the owner or an authorized agent shall notify the CBO or an inspector **up to forty-eight (48) hours** prior to each stage of construction for which notice in advance is required under the Building Code.

9.0 **AS CONSTRUCTED PLANS**

- 9.1 The CBO may require that a set of plans of a building or structure and any class of buildings as constructed be filed with the CBO on completion of construction under such conditions as may be prescribed in the Building Code Act.

10.0 **CONTRAVENTION OF BY-LAW – OFFENCE**

- 10.1 Neither the granting of any permit nor the approval of the drawing or any specifications, nor any inspections made by the CBO, or his/her authorized agent, shall in anyway relieve the owner of such building, or the person responsible for the provision of service, labour or materials to the building from the full and sole responsibility for carrying out the work or satisfying the requirements of this by-law, the Building Code Act, and any other applicable legislation.

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided in Sections 36 of the Building Code Act and any other applicable legislation.

11.0 **REPEAL CLAUSE**

- 11.1 Obtaining Permits for Construction of Fences and Gates to Enclose Swimming Pools – and all amendments thereto not consistent with this by-law are hereby repealed.
- 11.2 Building By-law – and all amendments and predecessors thereto not consistent with this by-law are hereby repealed
- 11.3 Regulate the Installation and Inspection of Plumbing – and all amendments thereto not consistent with this by-law are hereby repealed.

12.0 **DATE AND EFFECT**

This by-law shall come into force and effect on the final passing thereof.

READ a first and second time this 12th day of December, 2016.

READ a third time and finally passed this 12th day of December, 2016.

REEVE DIANE BREWER

CLERK TREASURER BETTY D. GORDON

**SCHEDULE “A”
TO BY-LAW 123-16**

RESPECTING CLASSES OF PERMITS

Building Permit	This permit is used for all types of construction governed by the Building Code, including renovation work (Part 11), farm buildings, heating, ventilation, air conditioning and industrial structures.
Change of Use Permit	This permit is used where a change in use would result in an increase in hazard (as determined under Div. C 1.3.1.4 of the Building Code) even though no construction is proposed.
Conditional Permit	This permit may be issued at the discretion of the CBO to authorize any stage of construction, even though all of the requirements under subsection 8(2) of the Act have not been met (i.e. compliance with some applicable law). The requirement of clauses 8(3) (a), (b) and (c) of the Act must, however, be complied with before a conditional permit may be issued.
Demolition Permit	This permit governs both the type and method of demolition under the Building Code. If the building meets certain criteria as outlined in Div. c 1.2.2.3 of the Building Code, a professional engineer is to be retained to undertake a general review of the project during demolition.
Occupancy Permit	As required in Section 11 of the Building Code Act
Partial Permit	When, in order to expedite work, approval of a portion of the building or project is desired prior to the issuance of a permit for the complete building or project, an application shall be made and fees paid for the complete project. Complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the CBO. Where a permit is issued for part of a building or project, this shall not be construed to authorize construction beyond the plans for which approval was given, nor that approval will necessarily be granted for the entire building or project.
Sign Permit	This class of permit is used in respect of structural requirements for signs contained in Div. B Section 3.15 the Building Code. Smaller or other types of signs are controlled by by-law under the Municipal Act, 20012, as amended
Swimming Pool Fence	As per current Municipal By-law,

SCHEDULE 'B'
Building Permit Fees

	ITEM	Per sq. ft.	MIN FEE	DEPOSIT
1	New Multi Res	\$0.70/sq. ft.	1000	1000
2	New Single Family Dwelling	\$0.70/sq. ft.	1000	1000
3	Attached garage	\$0.25/sq. ft.	300	No
4	All Residential additions, and alterations	\$0.70/sq. ft.	350	No
5	Residential accessory building	\$0.25 sq. ft.	150	No
6	Decks, covered porches	Flat rate	125	
7	Roof top solar and Designated Structures	Flat rate	300	
8	Swimming pool enclosures	Flat rate	100	
9	Commercial, Industrial, Institutional, and alterations	\$0.35 sq. ft.		
10	Farm Structure	\$0.13 sq. ft.	250	
11	Green House 1 hoop house	\$0.01 sq. ft.	250	
12	Fire place and wood stoves	Flat rate	100	
13	Change of Use	Flat rate	200	
14	Demolition – house	Flat rate	300	2000
15	Demolition – garage	Flat Rate	100	
16	Movement of Buildings	Flat rate	750	1000
17	House move in	\$0.70 sq. ft. plus	1400	5000
18	House move in pre inspection		750	750
19	Minimum fee not listed above – sign under Bldg. Code		100	
20	Where Sq. footage cannot be determined \$7.50 per \$1,000 of construction value min. \$100			
20	Refund of permit fees on request prior to any construction will be considered minus an administration fee of \$100		100	
21	Construction prior to issuance of permit additional administrative fee equal to fee listed above			

**SCHEDULE “C”
TO BY-LAW 123-16**

INSPECTIONS

The CBO shall be given 48 hours notice for the following inspections:

Building:

- Footing, prior to pouring
- Foundation, prior to backfilling
- Completion of structural framing
- Plumbing rough-in inspection (water and/or air test)
- Sewer and waterline prior to cover
- Completion of duct work and piping for heating, ventilation and air conditioning systems
- Completion of insulation and vapour barrier prior to covering
- Commencement of construction re: solid-fuel fired appliances and associated chimneys
- Substantial completion of fire separations and fire protection equipment and emergency lighting
- Substantial completion of interior and exterior finishes
- Occupancy Permit for minimum requirements
- Final inspection with substantial completion of grading

**SCHEDULE “D”
TO BY-LAW 123-16**

PRESCRIBED WORKING DRAWINGS

List of PLAN or Working Drawings to accompany application for permits:

1. Site Plan and Drainage Survey, if applicable
2. Floor Plans
3. Foundation Plans
4. Framing Plans
5. Roof Plans
6. Plumbing Plans
7. Sections and Details
8. Building Elevations
9. Electrical Drawings
10. Heating, Ventilation and Air Conditioning drawings
11. Fire Alarm Plans

NOTE: The CBO may specify that not all the above mentioned plans are required to accompany an application for a permit.

**SCHEDULE “E”
TO BY-LAW 123-16**

PRESCRIBED FORMS

- a) Application for a Permit to Construct or Demolish (Ontario Building Code (OBC) Div. C 1.3)
- b) Schedule 1 – Designer Information (Permit Application (06/07))
- c) Schedule 2 – Sewage System Installer Information (Permit Application 06/07)
- d) Energy Efficiency Design Summary
- e) Order to Comply (Pursuant to Subsection 12(2) of the Building Code Act, 1992)
- f) Stop Work Order (Pursuant to Subsection 14(1) of the Building Code Act, 1992)
- g) Order to Not Cover or Enclose (Pursuant to Subsection 13(1) of the Building Code Act, 1992)
- h) Order to Uncover (Pursuant to Subsection 13(6) of the Building Code Act, 1992)
- i) Order Requiring Tests and Samples (Pursuant to Subsection 18(1), (f) of the Building Code Act, 1992)